

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CARLOS JOHN WILLIAMS,

Plaintiff,

v.

WASHINGTON STATE, *et al*,

Defendants.

Case No. C0-07-5216RBL-KLS

ORDER DIRECTING SERVICE
BY UNITED STATES
MARSHAL AND PROCEDURES

This civil rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Plaintiff has been granted leave to proceed *in forma pauperis*.

On May 10, 2007, the Court ordered plaintiff to file an amended complaint curing the deficiencies noted in his original complaint (Dkt. #1) by June 10, 2007, or show cause why this matter should not be dismissed. (Dkt. #5). On June 7, 2007, plaintiff did file an amended complaint, but that complaint was erroneously treated as a proposed complaint and filed under a new cause number. C07-5285FDB-KLS, (Dkt. #1). On July 23, 2007, the Court granted plaintiff's motion to consolidate the two cases (C07-5285FDB-KLS, (Dkt. #5)), and consolidated that case with this case under this case's cause number. C07-5285FDB-KLS, (Dkt. #6).

The Court, therefore, shall treat the complaint that was filed under cause number C07-5285FDB-KLS, as plaintiff's amended complaint in this case. Accordingly, the Clerk is directed to effect service of that complaint as provided below:

1 (1) Service by United States Marshal.

2 It is hereby ORDERED that the United States Marshal shall send the following to each named
3 defendant by first class mail: a copy of the amended complaint (C07-5285FDB-JKA, (Dkt. #1)) and of
4 this Order, two copies of the Notice of Lawsuit and Request for Waiver of Service of Summons, a Waiver
5 of service of Summons, and a return envelope, postage prepaid, addressed to the Clerk's Office. All costs
6 of service shall be advanced by the United States. The Clerk shall assemble the necessary documents to
7 effect service.

8 (2) Response Required

9 Defendants shall have **thirty (30) days** within which to return the enclosed Waiver of Service of
10 Summons. Each defendant who timely returns the signed Waiver shall have **sixty (60) days** after the date
11 designated on the Notice of Lawsuit to file and serve an answer or a motion directed to the complaint, as
12 permitted by Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 12.

13 Any defendant who fails to timely return the signed Waiver will be personally served with a
14 summons and complaint, and may be required to pay the full costs of such service, pursuant to Fed. R.
15 Civ. P. 4(d)(2). A defendant who has been personally served shall file an answer or motion permitted
16 under Rule 12 within **thirty (30) days** after service.

17 (3) Filing and Service by Parties, Generally.

18 All original documents and papers submitted for consideration by the Court in this case, and a
19 duplicate of all such papers, are to be filed with the Clerk of this Court. The originals and copies of all
20 such papers shall indicate in the upper right-hand corner the name of the Magistrate Judge to whom the
21 copies are to be delivered. The papers shall be accompanied by proof that such documents have been
22 served upon counsel for the opposing party (or upon any party acting *pro se*). The proof shall show the
23 day and manner of service and may be written acknowledgment of service, by certificate of a member of
24 the bar of this Court, or by affidavit of the person who served the papers.

25 (4) Motions.

26 Any request for Court action shall be set forth in a motion, properly filed and served, pursuant to
27 the requirements of Local Rule CR 7. If a party fails to file and serve timely opposition to a motion, the
28 Court may deem any opposition to be without merit.

